

AMENDED IN ASSEMBLY JUNE 27, 2005

AMENDED IN SENATE APRIL 27, 2005

AMENDED IN SENATE APRIL 11, 2005

SENATE BILL

No. 1092

Introduced by Senator Maldonado

February 22, 2005

An act to add Sections ~~61111.1~~ 61014.5, 61029.5, 61111.1, and 61200.2 to the Government Code, relating to community services districts, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1092, as amended, Maldonado. Community services districts: East Garrison.

Existing law provides that the people of any unincorporated territory may petition the board or boards of supervisors for the formation of a community services district to provide various services, and that a proposal to form a new district may also be made by the adoption of a resolution of application by the legislative body of any county or city that contains territory proposed to be included in the district.

This bill would provide that in the case of the proposed formation of the East Garrison Community Services District in Monterey County if the local agency formation district finds that the affected territory contains no registered voters and no landowners that are not public agencies, the commission may dispense with an election, order the board of supervisors to adopt a specified resolution, and designate the members of the initial board of directors of the district. The bill would also provide that the board of directors of the district shall be the Board of Supervisors of Monterey County until conversion to a directly elected board of directors pursuant to a specified procedure.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 61014.5 is added to the Government*
2 *Code, to read:*

3 *61014.5. Notwithstanding Section 61014, in the case of the*
4 *proposed formation of the East Garrison Community Services*
5 *District, if the Local Agency Formation Commission of Monterey*
6 *County finds that the affected territory contains no registered*
7 *voters and no landowners that are not public agencies, the Local*
8 *Agency Formation Commission of Monterey County may, as a*
9 *term and condition of approving the formation, dispense with an*
10 *election, complete the proceedings for the formation of the East*
11 *Garrison Community Services District, and order the Board of*
12 *Supervisors of the County of Monterey to designate the members*
13 *of the initial board of directors pursuant to Section 61029.5.*

14 *SEC. 2. Section 61029.5 is added to the Government Code, to*
15 *read:*

16 *61029.5. (a) Notwithstanding any other provision of this*
17 *division, the Board of Directors of the East Garrison Community*
18 *Services District shall be the Board of Supervisors of the County*
19 *of Monterey, until conversion to a directly elected board of*
20 *directors.*

21 *(b) The Board of Supervisors of the County of Monterey shall*
22 *adopt a resolution, placing the question of having an elected*
23 *board of directors on the ballot when any of the following*
24 *occurs:*

25 *(1) When the registrar of voters certifies in writing that the*
26 *number of voters in the East Garrison Community Services*
27 *District has reached or exceeded 500.*

28 *(2) When the registrar of voters certifies in writing that the*
29 *number of voters in the East Garrison Community Services*
30 *District has reached or exceeded a lower number specified by the*
31 *Local Agency Formation Commission of Monterey County as a*
32 *term and condition of approving the formation of the East*
33 *Garrison Community Services District.*

(3) Ten years after the effective date of the East Garrison Community Services District's formation.

(4) The Local Agency Formation Commission of Monterey County has required, as a term and condition of approving the formation of the East Garrison Community Services District, placing the question of having an elected board of directors on the ballot in less than 10 years after the effective date of the East Garrison Community Services District's formation.

(c) At the election, the voters shall also elect members to the East Garrison Community Services District's board of directors. Those persons shall take office only if a majority of the voters voting upon the question of having an elected board are in favor of the question.

(d) If the question is submitted to the voters at a general district election, the notice required by Section 12112 of the Elections Code shall contain a statement of the question to appear on the ballot. If the question is submitted to the voters at a special election, the notice of the election and ballot shall contain a statement of the question.

SECTION 1.—

SEC. 3. Section 61111.1 is added to the Government Code, to read:

61111.1. Notwithstanding Section 61111, in the case of the proposed formation of the East Garrison Community Services District, if the Local Agency Formation Commission of Monterey County finds that the affected territory contains no registered voters and no landowners that are not public agencies, the Local Agency Formation Commission of Monterey County may, as a term and condition of approving the formation, dispense with an election and order the Board of Supervisors of the County of Monterey to adopt the resolution required pursuant to Section 61117, and designate the members of the initial board of directors pursuant to Section 61200.2.

SEC. 2.—

SEC. 4. Section 61200.2 is added to the Government Code, to read:

61200.2. (a) Notwithstanding any other provision of this division, the Board of Directors of the East Garrison Community Services District shall be the Board of Supervisors of the County

1 of Monterey, until conversion to a directly elected board of
2 directors.

3 (b) The Board of Supervisors of Monterey County shall adopt
4 a resolution, placing the question of having an elected board of
5 directors on the ballot when any of the following occurs:

6 (1) When the registrar of voters certifies in writing that the
7 number of voters in the district has reached or exceeded 500.

8 (2) When the registrar of voters certifies in writing that the
9 number of voters in the East Garrison Community Services
10 District has reached or exceeded a lower number specified by the
11 ~~Monterey County~~ Local Agency Formation Commission *of*
12 *Monterey County* as a term and condition of approving the
13 formation of the East Garrison Community Services District.

14 (3) Ten years after the effective date of the East Garrison
15 Community Services District's formation.

16 (4) The ~~Monterey County~~ Local Agency Formation
17 Commission *of Monterey County* has required, as a term and
18 condition of approving the formation of the East Garrison
19 Community Services District, placing the question of having an
20 elected board of directors on the ballot in less than 10 years after
21 the effective date of the East Garrison Community Services
22 District's formation.

23 (c) At the election, the voters shall also elect members to the
24 East Garrison Community Services District's board of directors.
25 Those persons shall take office only if a majority of the voters
26 voting upon the question of having an elected board are in favor
27 of the question.

28 (d) If the question is submitted to the voters at a general
29 district election, the notice required by Section 12112 of the
30 Elections Code shall contain a statement of the question to
31 appear on the ballot. If the question is submitted to the voters at a
32 special election, the notice of election and ballot shall contain a
33 statement of the question.

34 *SEC. 5. (a) If Senate Bill 135 of the 200-06 Regular Session*
35 *is chaptered and takes effect on or before January 1, 2006, and*
36 *that bill, as enacted, repeals and adds Division 3 (commencing*
37 *with Section 61000) of Title 6 of the Government Code:*

38 *(1) Sections 3 and 4 of this bill shall remain in effect only until*
39 *January 1, 2006, and as of that date are repealed.*

1 (2) Sections 1 and 2 of this bill shall become operative on
2 January 1, 2006.

3 (b) If Senate Bill 135 of the 2005-06 Regular Session is not
4 chaptered, or, as chaptered, that bill does not repeal and add
5 Division 3 (commencing with Section 61000) of Title 6 of the
6 Government Code, then Sections 1 and 2 of this bill shall not
7 become operative.

8 ~~SEC. 3.—~~

9 SEC. 6. The Legislature finds and declares that a special law
10 is necessary and that a general law cannot be made applicable
11 within the meaning of Section 16 of Article IV of the California
12 Constitution because of the unique circumstances of the East
13 Garrison area of the County of Monterey. The facts constituting
14 the special circumstances are:

15 The property in the East Garrison area of the County of
16 Monterey is part of the former Fort Ord which has been
17 designated by the basewide Fort Ord Reuse Plan and by the
18 County of Monterey Redevelopment Agency Redevelopment
19 Plan for the Fort Ord Redevelopment Project Area. This property
20 is to be conveyed from the United States to the Fort Ord Reuse
21 Authority and then from the Fort Ord Reuse Authority to the
22 Redevelopment Agency of the County of Monterey for
23 redevelopment. To assure that adequate levels of public facilities
24 and services will be available to the East Garrison area, the
25 Board of Supervisors of the County of Monterey intends to form
26 a community services district. The provisions of this act are
27 necessary to provide an orderly and financially sound transition
28 from the conditions that currently exist in the East Garrison area
29 to a redeveloped urban community.

30 ~~SEC. 4.—~~

31 SEC. 7. This act is an urgency statute necessary for the
32 immediate preservation of the public peace, health, or safety
33 within the meaning of Article IV of the Constitution and shall go
34 into immediate effect. The facts constituting the necessity are:

35 Federal officials are likely to transfer title to the East Garrison
36 area of the former Fort Ord to the Fort Ord Reuse Authority
37 before the end of 2005. In order to ensure an orderly transition of
38 tenure and to avoid disinvestment that would threaten the public

- 1 peace, health, or safety, it is essential for this act to take effect
- 2 immediately.

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